IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.142 OF 2005

Mr.Laluprasad Ramkishor Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.A.M.Saraogi for Applicant.

Ms.G.P.Mulekar, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 23, 2005.

P.C.

1. Heard Counsel for the parties. As after completion of investigation, charge-sheet has been filed, the argument that there is no legal evidence against the Applicant to proceed with the criminal action, is a matter, which can be considered by the Trial Court where the charge-sheet is filed, in application for discharge, if resorted to by the Applicant. Viewed in this perspective, there is no reason to exercise inherent jurisdiction.

2. In this backdrop, Counsel for the Applicant prays that the Applicant may be permitted to withdraw this application, leaving all questions open.

3. Hence, this application is dismissed as withdrawn with liberty to the Applicant to take recourse to remedy of discharge, which application if filed will be decided on its own merits in accordance with law, in any case, within three months from the date of presentation of such application. Disposed of on the above terms.

4. This direction is issued, as grievance was made by the Applicant that because of the pendency of the criminal action, his request for renewal of license is not being entertained by the appropriate authority and the license would now be renewable with effect from 1st April 2006.

A.M.KHANWILKAR, J.